

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Del Charbonier v Michele M Charbonier**

Docket No. **275125**

L.C. No. **06-620806-CZ**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal from the November 30, 2006 order of dismissal is DISMISSED for lack of jurisdiction. Since the order appeal gives the parties the ability to reinstate the case so they may enter a judgment on the arbitration award and move the circuit court for attorney fees and costs, it neither disposes of all the claims nor adjudicates the rights and liabilities of the parties. MCR 7.202(6)(a)(i) and 7.203(A)(1). See also *Wickings v Arctic Enterprises, Inc*, 244 Mich App 125, 134-136; 624 NW2d 197 (2000) (an order is not final within the meaning of the final order definition if the parties may resurrect the case on the same docket at a future date). If appellant still wants to appeal this interlocutory order before the entry of the final order, he must file a delayed application for leave to appeal. MCR 7.203(B)(1) and 7.205(F)(1).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN - 5 2007

Date

Sandra Schultz Mengel
Chief Clerk